



OFFICE OF HUMAN RESOURCES

Douglas M. Duncan
County Executive

M E M O R A N D U M

June 14, 1996

TO: Michael E. Faden, Legislative Counsel

FROM: James Torgesen, Labor/Employee Relations Manager *JTS*

~~John~~ Sparks, President, Montgomery County Career Fire Fighters Association, IAFF Local 1664

SUBJECT: Proposed Revisions to Emergency Bill No. 21-96, Collective Bargaining - Firefighters

After reviewing Bill No. 21-96, we propose that the bill be revised as discussed below. (Double brackets indicate deleted text, and double underlining indicates added text.)

1. Sec. 33-147, Declaration of policy, line 81:
wages, hours, and other terms and conditions of employment, as authorized by Charter Section 510A, through a

Reason: Comparable language is in both of the other collective bargaining laws.

2. Sec. 33-148, Definitions, line 127:
(B) in the classification of [[Fire/Rescue Sergeant]] Fire/Rescue Lieutenant or any equivalent

Reason: In July of 1996, the classification of Fire/Rescue Sergeant will be abolished, and all personnel in that classification will become Fire/Rescue Lieutenants.

3. Sec. 33-148, Definitions, lines 131-132:
representation of employees in collective bargaining. [[The organization must not admit to membership any person other than fire and rescue service personnel.]]

Reason: Although comparable language is in the definition of "Employee Organization" in Sec. 33-76 of Article V, Police Labor Relations, the language is probably unconstitutional, as it restricts freedom of association. In fact, IAFF Local 1664 has associate members and honorary members who are not current fire and rescue personnel, as well as members who are retired from the profession.

4. Sec. 33-149, Labor Relations Administrator, lines 164-165:
decertification procedures[[,]] and prohibited practices[[, and the choice of an impasse neutral]].

Reason: The deleted language conflicts with Sec. 33-153(d), which states that the employer and certified representative must choose the impasse neutral. The LRA has no role in the selection.

5. Sec. 33-153, Bargaining, impasse, and legislative procedures, line 509:

position in any ensuing impasse procedure. The parties must meet as promptly as possible and attempt to negotiate an agreement acceptable to the Council. Either party may initiate impasse proceedings as set forth in this Section. The parties must submit

Reason: The added language above gives more detail about the duties of the parties in the face of Council rejection of all or part of the agreement. It is comparable to language in Sec. 33-80(g) of the Police labor law.

6. Sec. 33-154, Prohibited practices, line 609:

[[action which allegedly]] alleged prohibited practice which occurred more than 6 months before the

Reason: This is the language used in the other County collective bargaining laws, and is more exact than the use of the broader term "actions". A prohibited practice may encompass a series of acts or actions occurring over a period of time. The prohibited practice would be said to occur on the date of the last action.

7. Sec. 33-157, Effect of prior laws and regulations, line 675:
153(1); [[and]] or

Reason: If the parties expressly identified to the Council an order, rule or regulation which is inconsistent with the proposed collective bargaining agreement, there is no requirement that the Council repeal or modify the order, rule or regulation. For example, if a proposed collective bargaining agreement contains a provision which is inconsistent with the Personnel Regulations, and the Council is notified of the inconsistency, Council approval of the agreement simply means that the agreement becomes the relevant regulation for bargaining unit employees. Other employees are still covered by the Personnel Regulations, and the Personnel Regulations themselves are neither repealed nor modified. Sec. 33-112 of the County collective bargaining law, which is comparable to this Section, contains the word "or".

If you have any questions concerning any of these issues, please contact either of us. James Torgesen may be reached at 217-2287, and John Sparks at 762-6611.

cc: Deborah Snead, Asst. Chief Administrative Officer
Marta Perez, Director, Office of Human Resources
Jon Grover, Director, Dept. of Fire & Rescue Services